

Wiltshire Council

Licensing Committee

4 March 2024

Statement of Licensing Policy

Purpose of Report

1. To inform members of the Licensing Committee of the need to review, consult and adopt a new Statement of Licensing Policy by November this year, and seek the Committee's approval to commence the consultation process.

Relevance to the Council's Business Plan

2. The Statement of Licensing Policy supports the Business Plan goals of 'We are safe', and 'we have vibrant well-connected communities'.

Background

3. The Council's current Statement of Licensing Policy came into effect on the 10 November 2019 and will cease to have effect on the 9 November 2024. The Council must be in a position to formally adopt a revised policy with effect from November this year. In order to satisfy the specific legal requirements set down in the Licensing Act, the Council needs to carry out a consultation process on the proposed Statement of Licensing Policy.

Main Considerations

4. The first draft of the policy can be found in Appendix 1 to this report for consideration and approval is sought to carry out the required public consultation for 6 weeks.
5. It is a statutory requirement that the Statement of Licensing Policy must be approved by Council as this is not a function that can be delegated to the Licensing Committee.
6. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities under the Licensing Act 2003 with a view to promoting four licensing objectives, namely:
 - The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance, and
 - The protection of children from harm
7. The Licensing Act 2003 was designed to be light touch legislation covering a number of "licensable activities". Such activities are defined within the Act and broadly relate to the sale of alcohol, provision of regulated entertainment and

provision of late night refreshment.

Consultation

8. The policy must be consulted on with specific stakeholders listed in the Home Office Guidance. This includes licence holders, police, fire and rescue, businesses and residents of the area. The proposal is to run a 6-week consultation process with results and feedback collected via an on-line survey to make it easier to make comments and analyse results. There will also be paper copies available.
9. The consultation will be promoted via social media sites, directly to the licensing trade through emails and through press releases.
10. The results of the consultation will be reported back to the Licensing Committee on 3 June 2024.

Overview and Scrutiny Engagement

11. As yet there has been no engagement with the Council's Overview and Scrutiny function, as this is a mandatory review of the Statement of Licensing Policy.

Safeguarding Implications

12. The licensing policy proposal includes one of the key objectives of the Licensing Act 2003 which is 'The Protection of Children from Harm'. Wiltshire Council's Child Protection Team, are a Responsible Authority under the Licensing Act 2003. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

Public Health Implications

13. The Statement of Licensing Policy ensures the licensing objectives are supported which will ensure that over consumption of alcohols and the associated harms will be minimised in Wiltshire

Procurement Implications

14. There are no procurement implications associated with the Statement of Licensing Policy.

Equalities Impact of the Proposal

15. The impact of these proposals is assessed as 'low' against the Council statutory responsibilities. There are potential implications with respect to human rights.

Environmental and Climate Change Considerations

16. The Committee could include within the Policy review additional wording to encourage environmental and climate awareness amongst licensed premises. This is being included in other local authority policies and would raise awareness of this important issue with guidance on how license premises could work

towards The Climate Change Act (2008) sets a carbon reduction target for the UK, 34% by 2020 and 80% by 2050 based on 1990 levels. The policy could include an additional paragraph on Promoting Environmental Best Practice in Licensed Venue.

Workforce Implications

17. There are no additional impacts on the current workforce as this policy will be continuing with the current workforce.

Risks that may arise if the proposed decision and related work is not taken

18. Criticism of the Council and compromise the reputation of Wiltshire Council. Lack of clarity for license holders on license expectations.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

19. There are no risks identified from the proposed draft licensing policy.

Financial Implications

20. There are no additional financial implications contained within the draft Licensing Policy.

Legal Implications

21. The provisions contained within the Licensing Act 2003 are, in the Government's view, compatible with the requirements of the Human Rights Act 1998. However, whilst it appears that the Licensing Act itself is compatible with the Human Rights Act there remains an obligation on the Council as Licensing Authority itself to act in a way that is also compatible with this Act. The possibility of acting in an incompatible way may arise at various stages such as during the review of premises licenses or drawing up the Statement of Licensing Policy. It is therefore incumbent on the Council to remain vigilant to these possibilities at all times as it discharges its responsibilities (including in its role as a quasi-judicial committee of the Council) under the Licensing Act in accordance with the rules of natural justice.
22. The licensing service is a high-profile regulatory service important for protecting the public but also for ensuring the development of the leisure industry and economic viability. Fair application of licensing functions is critical for the reputation of the Council and for building trust and confidence in its service provision.

Options Considered

23. The adoption of a revised Statement of Licensing Policy by November 2024 is a statutory requirement, so there are no other legal options apart from adoption.

Proposals

24. That the Licensing Committee instructs Officers to carry out a 6 week consultation process on the proposed Statement of Licensing Policy 2024-2029.
25. The Licensing Committee note that at its meeting in June 2024, the Committee will be required to consider recommending the finalised Statement of Licensing Policy to Full Council for adoption.

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Date of report 23 February 2024

Appendices

1. Updated draft Statement of Licensing Policy
2. Summary of changes to the 2019-2024 Policy

Background Papers

- Licensing Act [Licensing Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)
- Home Office – Revised guidance issued under section 182 of the Licensing Act 2003 – December 2023
- https://assets.publishing.service.gov.uk/media/65a8f578ed27ca00d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf